



PUBLIC NOTICE

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Friday November 26, 2021

Non-Streamlined Submarine Cable Landing License Applications Accepted For Filing

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing. Pursuant to the Submarine Cable Landing License Act, 47 U.S.C. §§ 34-39, and Executive Order No. 10530, reprinted as amended in 3 U.S.C. § 301, each applicant seeks: (a) the grant of a cable landing license; (b) the modification of a cable landing license; and/or (c) the assignment or transfer of control of an interest in a submarine cable landing license. These applications are not subject to the streamlined processing procedures set forth in Section 1.767 of the Commission's rules, 47 CFR § 1.767.

Unless otherwise specified, filings relating to these applications must be received within 14 days of this notice. Ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 CFR § 1.1206.

These applications are being coordinated with the Department of State and other Executive Branch agencies pursuant to section 1.767(b) of the Commission's rules, 47 CFR § 1.767(b), and consistent with procedures established with the Department of State. See Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Report and Order, 16 FCC Rcd 22167, 22192-93, paras. 51-52 (2001) (Submarine Cable Landing License Report and Order); Streamlined Procedures for Executive Branch Review of Submarine Cable Landing License Requests, State Department Media Note (Revised) (rel. Dec. 20, 2001) available at <http://2001-2009.state.gov/r/pa/prs/ps/2001/6951.htm>.

Pursuant to its decision in Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, FCC 01-332, 16 FCC Rcd 22167 (2001), and section 1.767 of the rules, the Commission will take action upon these applications within ninety (90) days after release of this public notice, unless it determines that additional time is needed.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 1-888-835-5322 (tty). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

Modification

Application filed by ARCOS-1 USA, Inc. (ARCOS) and A.SurNet, Inc. (ASN, together with ARCOS, the Applicants) for authority to modify the cable landing license for the ARCOS-1 submarine cable system (ARCOS-1 Cable) - SCL-LIC-19981222-00032, SCL-MOD-20010302-00007, SCL-MOD-20020701-00056 - to include a new landing point in Cojimar, Cuba. The Applicants filed a revised modification application on October 21, 2021 and a supplement to the application on November 12, 2021.

The ARCOS-1 Cable is a ring configured non-common carrier cable system that is 8,400 kilometers in length and is comprised of segments that connect 23 landing points in fourteen (14) countries (United States (Florida, Puerto Rico), Bahamas, Belize, Colombia, Costa Rica, Curacao, Dominican Republic, Guatemala, Honduras, Mexico, Nicaragua, Panama, Turks and Caicos Islands, and Venezuela). Most of the system (74%) consists of unrepeaters segments with each of those segments containing 12 fiber pairs. The remainder of the system (26%) consists of repeated segments that contain three (3) fiber pairs per segment. The entire wetplant of the system is designed for a maximum available capacity of 960 Gigabits per second (Gbps) and functions with totally duplicated terminal equipment in a self-healing protective ring.

The ARCOS-1 Cable is owned by a consortium. ARCOS and ASN (and their affiliates) hold 96% of the voting and ownership interests in the system, with the remaining voting and ownership interests held by 18 international carriers, each with nominal ownership interests in the ARCOS-1 Cable.

The ARCOS-1 Cable will extend to Cuba by constructing a new branch (Segment 26) which will extend from an existing branching unit of the ARCOS-1 cable that lies approximately 56 miles kilometers off the coast of Cuba to a beach manhole (BMH) in Cojimar, Cuba. The new branch will then extend from the BMH through a cable land route to an existing cable station in Cojimar. The new branch extending to the Cuba landing station will consist of two unrepeaters fiber pairs.

Applicants state that the expansion of telecommunications services to Cuba is consistent with U.S. policy, citing a report issued by the Cuba Internet Task Force that recommended the construction of new cables to Cuba to reduce the load on the Cuban Intranet infrastructure and allow ETECSA to expand internet access at higher speeds and lower cost to the Cuban public. See U.S. Department of State, Cuba Internet Task Force: Final Report (June 16, 2019). Applicants assert that the ARCOS-1 Cable will be the first modern and direct facility between the United States and Cuba which will permit additional connections between Cuba and the Internet backbone and additional flow of information between the people of Cuba and international points.

The proposed branch to Cuba (Segment 26) will be jointly owned by Columbus Networks Limited (CNL) and some of the ARCOS consortium members. Applicants further state that CNL, Applicants' parent company, will be the landing party in Cuba and that Empresa de Telecomunicaciones de Cuba S.A. (ETECSA), the incumbent, state-owned telecommunications provider in Cuba, will acquire an indefeasible right of use (IRU) in some capacity on Segment 26 from CNL.

The U.S. landing points, located at North Miami Beach, Florida, and Isla Verde, Puerto Rico, are under the ultimate control of ARCOS. ASN owns and operates the ARCOS-1 cable landing station in North Miami Beach, Florida and PrepaNet owns and operates the ARCOS-1 cable landing station in Puerto Rico. Applicants state that PrepaNet is an unaffiliated third-party carrier in Puerto Rico and is not part of the instant application.

The Cuba cable landing station and the duct (cable land route) from the BMH to the cable station is owned by ETECSA. CNL, or a wholly-owned and controlled subsidiary of CNL, will own the physical cable inside the duct and will operate the cable landing station at Cojimar, Cuba. Applicants state that ETECSA will provide the Cuba cable landing station with updated telecommunications equipment to operate Segment 26. Neither CNL nor any subsidiary is, or will become, a licensed telecommunications carrier in Cuba. Construction of Segment 26 will be completed by CNL using SubCom, an international submarine cable supplier.

ASN, a Delaware company, is a wholly-owned direct subsidiary of ARCOS, a Delaware company. The following individuals and entities will have a ten-percent-or-greater direct or indirect interest in ARCOS and ASN: (1) Columbus New Cayman Limited, a Cayman Islands company (100% direct voting and equity interest in ARCOS and 100% indirect voting and equity interest in ASN); (2) Columbus Networks, Limited, a Barbados company (100% voting and equity interest in Columbus New Cayman Limited); (3) Columbus TTNW Holdings Inc., a Barbados company (100% voting and equity interest in Columbus Networks Limited); (4) Columbus International Inc., a Barbados company (100% voting and equity interest in Columbus TTNW Holdings); (5) Sable Holding Limited (Sable Holding), an England company (100% voting and equity interest in Columbus International Inc.); (6) C&W Secured Parent Limited, a Cayman Islands company (100% voting and equity interest in Sable Holding); (7) C&W Secure Finance Limited, a Cayman Islands company (100% voting and equity interest in C&W Secured Parent Limited); (8) Cable & Wireless Limited (CWL), an England company (100% voting and equity interest in C&W Senior Finance Limited); (9) Cable & Wireless Communications Limited (CWCL), an England company (100% voting and equity interest in CWL); (10) LGE Coral Holdco (LGE Coral), an England company (100% voting and equity interest in CWCL); (11) Liberty CWC Holdings Limited (Liberty CWC Holdings), a Barbados company (100% voting and equity interest in LGE Coral); (10) LiLAC Services Ltd. (LiLAC Services), a Bermuda company (100% voting and equity interest in Liberty CWC Holdings); and (11) Liberty Latin America Ltd. (Liberty Latin America), a Bermuda company (100% voting and equity interest in LiLAC Services). John Malone, a U.S. citizen, holds a 31% voting interest and a 15% equity interest in Liberty Latin America. No other individual or entity will hold a ten-percent-or-greater direct or indirect equity or voting interest in Liberty Latin America, ASN, or ARCOS.

ARCOS and ASN agree to accept and abide by the reporting requirements set out in section 1.767(g) of the Commission's rules, 47 CFR § 1.767(g).

ARCOS and ASN agree to accept and abide by the reporting requirements set out in section 1.767(l) of the rules, 47 CFR § 1.767(l), for the U.S.-Bahamas route.

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ARCOS and ASN state that they will continue to abide by the commitments contained in a September 11, 2015 Letter of Assurances (LOA) regarding the ARCOS-1 Cable to Assistant Secretary for International Affairs and Chief Diplomatic Officer, Office of Policy, Department of Homeland Security, as amended on November 3, 2016. A copy of the LOA is publicly available and may be viewed on the FCC's website through the International Bureau Filing System (IBFS) by searching for SCL-T/C-20151130-00035 and accessing the "Other Filings related to this application" from the Document Viewing Area.

Pursuant to Commission practice, the application is being referred to the relevant Executive Branch agencies for their views on any national security, law enforcement, foreign policy or trade policy concerns related to the foreign ownership of the Applicants.

REMINDER:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 CFR §§ 1.2001–.2003.

By this notice, we inform the public that submarine cable landing license applications that are part of larger transactions involving multiple Commission licenses or authorizations may involve "extraordinary circumstances" as referenced in Review of Commission Consideration of Applications under the Cable Landing License Act, Report and Order, 16 FCC Rcd 22167 (2001) and Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891 (1997), paras. 327-28, Order on Reconsideration, 15 FCC Rcd 18158 (2000). Additionally, extraordinary circumstances result where Executive Branch agencies petition the Commission to defer action on an application pending the resolution of potential national security, law enforcement, foreign policy and trade policy issues. Accordingly, these applications may not be acted on within the 90-day review period that the Commission has established as the period of time normally required to reach a decision on non-streamlined cable landing licenses. This notice shall serve as public notice to applicants that, in these circumstances, additional time may be required for Commission review and final action. No additional formal public notice will be provided routinely with respect to specific applications in the event that the applicable review period extends beyond 90 days.